



**CERTIFIED INDEX TO THE RECORD**

Ron Foster, Marketing & Planning Specialists Limited Partnership, and Foster Farms LLC v.  
United States Environmental Protection Agency and Gina McCarthy, in her official capacity as  
Administrator

Civil Action No. 2:14-cv-16744

<b>Record No.</b>	<b>Title</b>	<b>Date</b>
1.	Topographical map depicting the location of the Site, Exhibit A to Order for Compliance, EPA Docket No. CWA-03-2012-0070DW	January 24, 2012
2.	Article entitled: <i>Ecological Linkages Between Headwaters and Downstream Ecosystems: Transport of Organic Matter, Invertebrates, and Wood Down Headwater Channels</i> ; by Mark S. Wipfli, John S. Richardson, and Robert J. Naiman; Journal of the American Water Resources Association	February 2007
3.	Article entitled: <i>Where Rivers Are Born: The Scientific Imperative of Defending Small Streams and Wetlands</i> , by Judy L. Meyer, Ph.D.; et. al.; American Rivers and Sierra Club	September 2003
4.	Article entitled: <i>Small But Mighty: Headwaters Are Vital to Stream Network Biodiversity at Two Levels of Organization</i> , by Debra S. Finn, et. al., Journal of the North American Benthological Society	September 2011
5.	State of West Virginia Certificate of Registration, Marketing & Planning Specialists Limited Partnership	November 6, 2008
6.	Issue Paper: <i>Recommendations for Determining Relatively Permanent Waters (RPWs) in Headwater Streams in the Huntington and Pittsburgh Corps Districts</i> , by Greg Pond and Margaret Passmore	May 19, 2008
7.	Correspondence from Phillip A. Colflesh, Contech Bridge Solutions, to Nikki Fint, Fox Engineering	May 3, 2006
8.	Correspondence from Ginger Mullins, USACE, to Larry George, Endurance Group	April 11, 2008
9.	Correspondence from Phillip and Linda Blackwell	Undated
10.	Email exchange between Richard Berkes, USACE; Stephanie Chin, USEPA; and Todd Lutte, USEPA	Date range: March 27, 2009 – March 30, 2009
11.	Email from Pamela Lazos, USEPA, to Robert Johns, Endurance Group	May 20, 2009
12.	Correspondence from John Pomponio, USEPA, to Jennifer Fox, Fox Engineering	July 27, 2009
13.	Correspondence from John Pomponio, USEPA, to John McCoy, Central Industrial Maintenance	August 13, 2009

14.	Email exchange between Richard Berkes, USACE, to Stephanie Chin, USEPA	August 21, 2009
15.	Order for Compliance, EPA Docket No. CWA-03-2009-0222DW, issued to Endurance Group, LLC and Central Industrial Maintenance, Inc.	September 4, 2009
16.	Correspondence from Joe McCoy, Central Industrial Maintenance, Inc., to Todd Lutte, USEPA	September 10, 2009
17.	Correspondence from Wendel Turner, on behalf of Robert Johns, Bankruptcy Trustee for the Endurance Group, LLC, to Todd Lutte, USEPA	September 23, 2009
18.	Deed by and between Robert Johns, Bankruptcy Trustee for the Endurance Group, LLC, and Foster Farms, LLC, and attachments	October 29, 2009
19.	Deed by and between Robert Johns, Bankruptcy Trustee for the Endurance Group, LLC, and Marketing & Planning Specialists Limited Partnership, and attachments	October 29, 2009
20.	Purchase Agreement by and between Robert Johns, Bankruptcy Trustee for the Endurance Group, LLC, and Ronald P. Foster	August 6, 2009
21.	Notice of Motion for Sale of Real Estate, and Notice of Opportunity for Bid, In Re: The Endurance Group, LLC, Bankruptcy Case No. 4:09-40053	August 10, 2009
22.	Trustee's Motion for Order Authorizing the Sale of Real Estate, , In Re: The Endurance Group, LLC, Bankruptcy Case No. 4:09-40053	August 10, 2009
23.	Bill of Sale and Assignment of Permits by and between Robert Johns, Bankruptcy Trustee for the Endurance Group, LLC, and Foster Farms, LLC,	October 29, 2009
24.	Correspondence from Charles King, Foster Farms, LLC to Scott Mandirola, WVDEP	November 5, 2009
25.	Correspondence from Joe McCoy, Central Industrial Maintenance, Inc. to Todd Lutte, USEPA	November 11, 2009
26.	Email from Brad Turman, Foster Supply Inc., to Stephanie Chin, USEPA	December 29, 2009
27.	Email exchange between Jason Chambers, Judith Taylor, and John King (all WVDEP) and Brad Turman, Foster Supply Inc.	Date range: December 29, 2009 - January 4, 2010
28.	Correspondence from Scott Mandirola, WVDEP, to Charles King, Foster Farms, LLC	January 5, 2010
29.	Email exchange between Jason Chambers, Judith Taylor, and John King (all WVDEP) and Brad Turman, Foster Supply Inc.	Date range: December 29, 2009 – January 6, 2010

30.	Email exchange between Brad Turman, Foster Supply Inc., and Stephanie Chin, USEPA	Date range: January 15, 2010 – February 1, 2010
31.	Correspondence from Todd Lutte, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	February 2010
32.	Correspondence from Stephanie Chin, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	March 1, 2010
33.	Correspondence from Joe McCoy, Central Industrial Maintenance, Inc., to Stephanie Chin, USEPA	March 16, 2010
34.	Correspondence from Todd Lutte, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	June 1, 2010
35.	Email from Todd Lutte, USEPA, to Ron Foster	June 2, 2010
36.	Email from Ron Foster to Todd Lutte, USEPA	June 8, 2010
37.	Application for WV/NPDES Water Pollution Control Modification, by Charles King, Foster Farms, LLC	June 28, 2010
38.	Email from Natalie Hardman, WVDEP, to Ron Foster	August 17, 2010
39.	Property Development Agreement by and between Foster Farms LLC, Marketing & Planning Specialists Limited Partnership, and Design/ Build Resource Group, LLC	August 24, 2010
40.	Email from Dan Metheny, Fox Engineering, to Ron Foster	September 9, 2010
41.	Summary of Violation at Foster Farms, LLC, Pad #4, Parkersburg, Wood County, WV	September 2010
42.	Permit/ Site Evaluation, WV/NPDES Construction Stormwater General Permit	October 5, 2010
43.	Email from Todd Lutte, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	November 4, 2010
44.	Response to USEPA Request for Information from Fox Engineering to Stephanie Chin, USEPA	December 22, 2010
45.	USEPA Request for Information Letter to Fox Engineering	Undated
46.	USEPA Request for Information Letter to Foster Farms, LLC	Undated
47.	Response to USEPA Request for Information from Charles King, Trustee, Foster Farms, LLC to Stephanie Chin, USEPA	December 24, 2010
48.	Photographic Documentation, Neal Run Crossing	February 18, 2011
49.	Response to USEPA Request for Information from David Walters, Walters Excavating to Stephanie Chin, USEPA	Undated
50.	Memorandum of Agreement between The Department of the Army and The Environmental Protection Agency Concerning Federal Enforcement for the Section 404 Program of the Clean Water Act	January 19, 1989

51.	Email exchange between Blair Gardner and Stephanie Chin, USEPA, and Pamela Lazos, USEPA	Date range: October 20, 2010 - February 14, 2011
52.	Email from Ron Foster to Pamela Lazos, USEPA	March 6, 2011
53.	Email from Pamela Lazos, USEPA to Blair Gardner	February 14, 2011
54.	Correspondence from Joe McCoy, Central Industrial Maintenance, Inc., to Stephanie Chin, USEPA	Undated
55.	Email from Todd Lutte, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	March 9, 2011
56.	Correspondence from Todd Lutte, USEPA to Ron Foster	March 9, 2011
57.	Email exchange between Ron Foster and Stephanie Chin, USEPA; Pamela Lazos, USEPA; and Todd Lutte, USEPA	Date range: April 11, 2011 - April 15, 2011
58.	Email and attachments from Richard Hemann, USACE to Stephanie Chin, USEPA	April 26, 2011
59.	Email from Richard Hemann, USACE to Stephanie Chin, USEPA	April 27, 2011
60.	Letter of Transmittal, Wetland and Stream Delineation Report, Neal Run Crossing, by Randolph Engineering	March 23, 2011
61.	Wetland and Stream Delineation Report Neal Run Crossing, by Randolph Engineering	March 10, 2011
62.	Email exchange between Ron Foster and Stephanie Chin, USEPA; Pamela Lazos, USEPA; and Todd Lutte, USEPA	Date range: April 11, 2011 - April 27, 2011
63.	Email exchange between Ron Foster and Stephanie Chin, USEPA; Pamela Lazos, USEPA; and Todd Lutte, USEPA	Date range: April 11, 2011 - April 28, 2011
64.	Email and attachments from Stephanie Chin, USEPA, to Richard Hemann, USACE	April 28, 2011
65.	Wetland and Stream Delineation Report, by Randolph Engineering	June 6, 2011
66.	Email from Pamela Lazos, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc., and Ron Foster	June 8, 2011
67.	Email and attachments from Richard Hemann, USACE to Stephanie Chin, USEPA	July 21, 2011
68.	Email exchange between Richard Hemann, USACE and Stephanie Chin, USEPA. Reference to unrelated enforcement matter redacted.	Date range: July 21, 2011 – July 22, 2011
69.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: July 26, 2011-

		July 27, 2011
70.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: July 26, 2011- July 27, 2011
71.	Email from Pamela Lazos, USEPA, to Joe McCoy, Central Industrial Maintenance, Inc.	August 2, 2011
72.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: April 27, 2011 - October 18, 2011
73.	Email exchange between Ron Foster and Stephanie Chin, USEPA; Pamela Lazos, USEPA; and Todd Lutte, USEPA	Date range: April 11, 2011 - April 13, 2011
74.	Correspondence from Ron Foster to Stephanie Chin, USEPA; and Todd Lutte, USEPA	Undated
75.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: April 28, 2011 October 29, 2011
76.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: April 11, 2011 - October 25, 2011
77.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: April 11, 2011 - November 23, 2011
78.	Email from Joe McCoy, Central Industrial Maintenance, Inc., to Pamela Lazos, USEPA	November 23, 2011
79.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: October 18, 2011 -November 23, 2011
80.	Email from Richard Hemann, USACE, to Stephanie Andreescu, USEPA	December 7, 2011
81.	Email from Richard Hemann, USACE, to Stephanie Andreescu, USEPA	December 9, 2011
82.	Email from Richard Hemann, USACE, to Stephanie Andreescu, USEPA	December 9, 2011

83.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: October 19, 2011 -December 27, 2011
84.	Email exchange between Ron Foster and Pamela Lazos, USEPA	Date range: April 11, 2011 - January 3, 2012
85.	Order for Compliance, EPA Docket No.: 03-2012-0070DW, issued to Foster Farms, LLC	January 24, 2012
86.	Correspondence from Joe McCoy, Central Industrial Maintenance, Inc., to Todd Lutte, USEPA	September 30, 2009
87.	Map: Conceptual Site Plan 3	March 14, 2008
88.	Map: prepared for remediation work under Order for Compliance, EPA Docket No. CWA-03-2009-0222DW	Undated
89.	Map: Stream Cross Sections, Stream Remediation Plan, prepared for remediation work under Order for Compliance, EPA Docket No. CWA-03-2009-0222DW	October 1, 2009
90.	Map: Stream Remediation Plan, prepared for remediation work under Order for Compliance, EPA Docket No. CWA-03-2009- 0222DW	October 1, 2009
91.	Map: River Valley Town Center Site Plan	2010
92.	Map: Neal Run Crossing Conceptual Plan 1	March 24, 2010
93.	Map: Neal Run Crossing Conceptual Plan 2	March 24, 2010
94.	Map: Steam Remediation, prepared by Central Industrial Maintenance, Inc., for remediation work pursuant to Order for Compliance, EPA Docket No. CWA-03-2009-0222DW	December 20, 2010
95.	Printed copies of GIS Layers Maps	Consulted between September 9, 2010 and January 24, 2012
96.	Attachment to Email from Richard Hemann, USACE, to Stephanie Andreescu, USEPA	December 9, 2011
97.	Attachment to Email from Brad Turman, Foster Supply Inc., to Stephanie Chin, USEPA	December 29, 2009
98.	Neal Run Crossing CD Photos	Contents of CD provided to EPA by U.S. Army Corps of Engineers in March 2009
99.	Photographs taken by EPA during May 2, 2011 site visit	May 2, 2011

100.	Photographs provided to EPA by Central Industrial Maintenance, Inc., depicting remediation work pursuant to Order for Compliance, EPA Docket No. CWA-03-2009-0222DW	August 2, 2011
101.	Photographs taken by EPA during September 9, 2009 site visit	September 9, 2009
102.	Photographs taken by EPA during September 27, 2011 site visit	September 27, 2011